

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 373 – SB 388

March 14, 2017

SUMMARY OF ORIGINAL BILL: Creates a class E felony for evading arrest that results in death and a class C felony for evading arrest in a motor vehicle that results in death. Requires anyone convicted of a class C felony for evading arrest to serve a minimum of 90 days confinement.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$324,300/Incarceration*

SUMMARY OF AMENDMENT (004821): Deletes and rewrites the bill to remove section one of the proposed legislation that created a new class E felony for evading arrest that results in death and enhances the class C felony created by the proposed legislation to a class B felony.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$630,100/Incarceration*

Assumptions for the bill as amended:

- Evading arrest is a class A misdemeanor unless committed while operating a motor vehicle, in which case it is a class E felony or a class D felony if the evasion creates a risk of death.
- Statistics from the Department of Correction (DOC) show an average of 71.5 admissions each year for class E felony for evading arrest in a motor vehicle that creates a risk of death. It is assumed that 10 percent ($71.5 \times 0.10 = 7.2$) of these admissions result in death.
- Class B felony offenders may or may not qualify for probation. It is assumed two of the seven offenses will receive probation, but the offenders will have to serve at least 90 days confinement.
- According to the DOC, the average operating cost per offender per day for calendar year 2017 is \$68.75.
- The proposed legislation will result in two offenders serving 90 days for an increase of \$12,375 (2 offenders x 90 days x \$68.75).

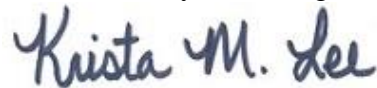
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- It is assumed the other five offenders will be admitted into DOC custody to serve a term of imprisonment.
- These offenses would be class E felony offenses under the current law. The proposed legislation will result in each admission serving an additional 4.92 years (6.32 years, average time served for class B felony – 1.40 years, average time served for class E felony).
- Population growth will not impact these admissions.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on each offenders serving 4.92 years (1,797.03 days) at a cost of \$123,546 (\$68.75 x 1,797.03 days) per offender. The total cost for five offenders is \$617,730 (\$123,546 x 5).
- The total increase in state incarceration costs is \$630,105 (\$12,375 + \$617,730).
- The proposed legislation only creates 10 new felony cases each year. It is assumed that the courts, public defender, and district attorneys can accommodate the impact to their caseloads within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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